

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CLARENCE M. EASTERLING,

Plaintiff,

-vs-

Case No. 14-CV-1392

MICHAEL THURMER, et al.,

Defendants.

DECISION AND ORDER

Clarence M. Easterling, a Wisconsin state prisoner, filed an action under 42 U.S.C. § 1983. This case is currently before the Court on the plaintiff's motions to appoint counsel (ECF No. 53) and for extensions of time on two deadlines (ECF Nos. 50, 51).

On June 15 and August 24, 2015, the Court denied the plaintiff's motions seeking the appointment of counsel. The Court explained that the plaintiff's filings to date were detailed and cited to current and relevant case law in support of his arguments. The filings were comprehensive, well organized, and easy to understand. The Court decided that the appointment of counsel was unnecessary because Easterling was capable of conducting discovery to seek relevant documents, of asking defendants to answer interrogatories, and of presenting his version of the events by using an

affidavit or unsworn declaration under 28 U.S.C. § 1746 in response to any motion for summary judgment that defendants might file.

The plaintiff has now filed a third motion for the appointment of counsel. He highlights his “history of mental health problems” and indicates that he “is having an extremely difficult time understanding the defendants” filings. (ECF No. 53.) The plaintiff also explains that he has limited access to the law library and that the case involves complex medical and psychological evidence.” (*Id.*)

The Court notes that the plaintiff has not seen a psychiatrist since 2010, at which time it was stated that he was no longer on psychotropic medications, he offered no complaints, he no longer felt paranoid or nervous in crowds, and he denied feeling depressed. (ECF Nos. 36, 36-2 at 1.) In addition, the plaintiff’s final psychiatric report indicates that the plaintiff’s thought process was linear, his insight and judgment were fair, and his cognition was grossly intact. (ECF No. 36-2 at 1.)

In addition, the filings submitted by the plaintiff do not support his contention that he is unable to understand and/or respond to the defendant’s filings. The plaintiff has consistently demonstrated a good grasp of the legal issues, he has supported his arguments with case law and declarations when appropriate, and he has timely responded to filings or

sought extensions of time when necessary. As such, the Court continues to believe that the plaintiff is capable of proceeding on his own during these initial stages of litigation.

The plaintiff has also filed a motion for an extension of time to file a reply to the defendants' response regarding the confidentiality of his pre-sentence investigation (PSI) report, as well as a motion for an extension of the discovery deadline. The plaintiff contends these extensions are necessary, in part, because of his limited law library access.

Currently, the plaintiff's reply in support of his motion seeking access to his PSI report is due November 18, 2015, and the discovery deadline is November 20, 2015. In addition, the Court already extended the deadline for the plaintiff's response to certain defendants' motion for judgment on the pleadings to December 18, 2015.

The PSI report issue is narrow and there is no need for extensive research; thus, the Court will allow the plaintiff an additional fourteen days, until **December 2, 2015**, to file his reply. Understanding that much of the plaintiff's time in the near term will be devoted to preparing his reply on the PSI report issue and his response to the motion on the pleadings, the Court will extend the discovery deadline by sixty days, until **January 19,**

2016. The Court will also extend the dispositive motion deadline until **February 19, 2016.**

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT the plaintiff's third motion seeking the Court's assistance in recruiting counsel (ECF No. 53) is **DENIED.**

IT IS FURTHER ORDRED THAT the plaintiff's motion requesting an extension of time for the plaintiff to file a reply to the defendants' brief regarding confidentiality of pre-sentence investigation report (ECF No. 50) is **GRANTED.** The plaintiff must file his reply by **December 2, 2015.**

IT IS ALSO ORDERED THAT the plaintiff's motion requesting extension of time for discovery (ECF No. 51) is **GRANTED.** The parties must complete discovery by **January 19, 2016,** and file dispositive motions by **February 19, 2016.**

Dated at Milwaukee, Wisconsin, this 9th day of November, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge